



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/626,484

07/23/2003

Jordan K. Weisman

55390-183

1275

22504

7590

07/26/2004

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

EXAMINER

MENDIRATTA, VISHU K

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,484

Applicant(s)

WEISMAN ET AL.

Examiner

Vishu K Mendiratta

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/4/04 and 2/12/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. Claim sets 28-29,30-31,32-33 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim set 1-2. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
2. Applicant is advised that should claims 1-2 be found allowable, claims 28-33 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-39 rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment

Art Unit: 3712

of the best mode is based upon the fact that the claim limitations can not be put together in a diagram to configure illustrated figures/invention in the disclosure.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-39 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim limitations cannot be put together in a diagram to configure illustrated figures/invention in the disclosure.

Further it is not possible to practice method claims in the absence of properly providing an environment having positively reciting elements of apparatus and sequence of playing. If a claim has more limitations than one, they should be properly separated and indented for clarity. All claims and in particular method claims are in a run-on sentence format, unclear and confusing.

See 7. *All* The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

8. Claims 1-39 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Essential

structural limitations not present in claims to configure apparatus or method as disclosed in specification.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3,5-12,28-33 rejected under 35 U.S.C. 102(b) as being anticipated by DeMar (6270410).

Claims 1,11: DeMar teaches a self contained record keeping device (Fig.1), adjustably displaying groupings of game indicia (38,39,40), and further including slot (54) for tokens (coins). Indicia on a credit display screen is altered by inserting coins, bills or credit cards in their respective slots. Applicant's claim terminology "game piece", "slot", "token", "card" are as broadly and as reasonably interpreted as possible.

Claims 12,28-33: Slot machines are capable of removably receiving in the slots player ID cards issued by casinos.

Claim 2: By placing tokens in the coin slot of the machine the credit value on the credit display changes.

Claim 3: Bills or credit cards can alter India in terms of number of coins on the credit display screen.

Claim 5: Bills slot (112) in addition to the coin slot (54).

Claim 6: Credit display changes due to placing of coins, bills and credit cards in various slots on the machine.

Claim 7: Rules for playing the game do not further add limitation to the apparatus in the claim.

Claim 8: Selectively and manually changing the number of coins on the credit display screen (65,66,67).

Claim 9: Grippable member (50) to play the game.

Claim 10: The mechanism connected to the lever (50) can be interpreted as a member rotatably coupled.

11. Claims 21-27 rejected under 35 U.S.C. 102(b) as being anticipated by Green (6182967).

Green teaches game pieces (Fig.7) with slots (210) for receiving value altering tokens (106) (Fig.9), placing game pieces on a playing surface (Fig.1) and playing an interactive game (1:38-45) according to rules of engagement.

12. Claims 34-39 rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto 94083564).

Matsumoto teaches placing game pieces with record keeping devices (32), performance altering indicator (52) on a playing surface (Fig.1) further teaching interactive engagement (3:32-67) according to rules of engagement.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3712

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 13-16,18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over DeMar in view of Fulton (5242163).

Claim 13: DeMar teaches all limitations except that it does not teach one or more members interacting with each other. Fulton teaches interaction between game machines while playing a bingo game. (Fig.1). In this day and age interaction games are commonly known and one of ordinary skill in art at the time the invention was made would have suggested playing interaction games using multiple machines (10).

Claims 14-16,18-20: By placing tokens in the coin slot of the machine the credit value on the credit display changes.

Bills or credit cards can alter India in terms of number of coins on the credit display screen.

Displays bills slot (112) in addition to the coin slot (54).

Credit display changes due to placing of coins, bills and credit cards in various slots on the machine.

Rules for playing the game do not further add limitation to the apparatus in the claim. Selectively and manually changing the number of coins on the credit display screen (65,66,67).


Allowable Subject Matter

15. Claims 4 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (703) 306-5695. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Vishu K Mendiratta
Primary Examiner
Art Unit 3712

VKM
July 21, 2004